


Petitioner has also submitted a separate "Response as to Why the Petition Should Not be Barred Under Title 28 U.S.C. § 2244(d)" wherein he argues the 1-year statute of limitations is unconstitutional and, thus, void. Petitioner also argues he "should be entitled to equitable habeas corpus review of his constitutional claims in this case despite the 'statute of limitations' provisions of §2244(d)." In his application, petitioner has asserted grounds of an involuntary plea, ineffective assistance of counsel, denial of a fair trial, and judicial abuse of discretion.

The undersigned United States District Judge has made an independent examination of the record in this case. The undersigned finds no basis for tolling the limitation period in this case. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 20th day of November 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE